

**List of Subjects in 40 CFR Part 52:**

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note: The Director of the Federal Register approved the incorporation by reference of the Florida SIP on July 1, 1982.

Joe R. Franzmathes,  
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

**PART 52—[AMENDED]****Subpart K—Florida**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.520 is amended by adding paragraph (c)(71) to read as follows:

**§ 52.520 Identification of plan.**

(c) \* \* \*

(71) The Florida Department of Environmental Regulation submitted an Order authorizing research and testing by the Florida Power & Light Company and the operating permit for the Orimulsion Fuel Test Burn at the Sanford Power Plant Unit No. 4 to EPA on October 11, 1990.

(i) *Incorporation by reference.* (A) Florida Department of Environmental Regulation Order authorizing research and testing by the Florida Power & Light Company adopted on October 4, 1990.

(B) Florida Power & Light operating permit number AC 64-180842, PSD-FL-150 which becomes State-effective on January 7, 1991.

(ii) *Other materials.* (A) Letter of October 11, 1990, from the Florida Department of Environmental Regulation.

[FR Doc. 90-26320 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 761**

[OPTS-66008K; FRL 3838-3]

**Polychlorinated Biphenyls (PCB's):  
Manufacturing, Processing, and  
Distribution in Commerce, Partial  
Rescission of Exemption Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; partial rescission of exemption rule.

**SUMMARY:** Section 6 of the Toxic Substances Control Act (TSCA)

generally prohibits the manufacture, processing and distribution in commerce of polychlorinated biphenyls (PCBs). It also provides a procedure where persons may petition the Administrator, for good cause shown, for an exemption from these prohibitions. This notice announces EPA's decision to rescind an interpretation of 40 CFR 761.20(c)(1) which was included in the PCB Manufacturing, Processing, and Distribution in Commerce Exemption Rule that was published in the *Federal Register* (55 FR 21023) on May 22, 1990.

**EFFECTIVE DATE:** This decision is effective as of August 29, 1990.

**FOR FURTHER INFORMATION CONTACT:**

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

**ADDRESSES:** The official record for the PCB exemptions is located in the TSCA Public Docket Office, Rm G008, NE Mall, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. The record is available for copying and inspection from 8 a.m. to 12 noon, and from 1 p.m. to 4:30 p.m. Monday through Friday, excluding holidays.

**SUPPLEMENTARY INFORMATION:** EPA has determined to rescind an interpretation of 40 CFR 761.20(c)(1), only insofar as it requires entities such as the Electric Apparatus Service Association, Inc. (EASA) to obtain an exemption to buy or sell PCB Transformers or PCB-Contaminated Transformers, as discussed in the PCB Manufacturing, Processing, and Distribution in Commerce Exemptions Rule published in the *Federal Register* on May 22, 1990 (55 FR 21025). A stay of this same interpretation was published as an FR Notice on September 13, 1990 (55 FR 37714). This decision to rescind the interpretation does not affect any exemption petition addressed in that rule or any other aspect of that rule or preamble to the rule. Accordingly, the interpretation requiring entities such as EASA obtain an exemption to buy and sell intact, non-leaking PCB or PCB-Contaminated Transformers is hereby rescinded.

Dated: October 26, 1990.

Charles L. Elkins,  
Director, Office of Toxic Substances.

[FR Doc. 90-26322 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-F

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 15**

[Gen. Docket No. 87-389; FCC 90-324]

**Regarding the Operation of Radio  
Frequency Devices Without an  
Individual License—G/M and  
M/A-COM Petitions for  
Reconsideration**

**AGENCY:** Federal Communications Commission (FCC).

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** In response to petitions filed by General Motors Research Corporation (GM) and by M/A-COM, Inc. (M/A-COM), the Commission is amending its rules which limit the field strength permitted in certain frequency bands for harmonic emissions of field disturbance sensors. GM and M/A-COM expressed concern that the limits were too restrictive and unnecessary, would increase the cost of field disturbance sensors, and make some products impractically large. The change adopted herein will continue to allow operation of economical field disturbance sensor equipment and also to ensure that such equipment does not pose a significant threat of interference to authorized communications users.

**EFFECTIVE DATE:** December 7, 1990.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** George Harenberg, Technical Standards Branch, Office of Engineering and Technology, (202) 653-7314.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Memorandum, Opinion and Order (MO&O)* in Gen. Docket No. 87-389, FCC 90-324, adopted on September 26, 1990, and released on October 26, 1990.

The full text of this *MO&O* is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

**Summary of Notice**

1. In the First Report and Order (*R&O*) in GEN Docket No. 87-389, the Commission prohibited operation of part 15 intentional radiators in several restricted frequency bands. The



Commission also specified limits on spurious emissions in the restricted frequency bands for intentional radiators. These restrictions were intended to limit the amount of interference caused to certain sensitive radio services. Previously the prohibitions and limitations on operating in specific restricted bands applied to remote control and security devices only.

2. Field disturbance sensors (FDSs) operate by establishing a radio frequency field and then detecting changes in that field caused by the movement of nearby persons or objects. Field disturbance sensors are commonly used to open doors or detect intruders. Many FDSs operate on 10.525 GHz. The second and third harmonics of 10.525 GHz fall in restricted frequency bands and, therefore, are subject to the spurious emission limits for these bands. Under the previous rules, the harmonic emissions of these devices were subject to less stringent limits. GM and M/A-COM, in petitions filed on May 26, 1989, express concern that the limits on harmonic emissions adopted in the R&O will adversely affect the public by making FDS products much more expensive and, in some cases, impractically large. They argue that the previous harmonic emission limits already provide adequate protection to restricted band users.

3. The identification of restricted bands and associated emission limits were developed in cooperation with National Telecommunications Information Administration (NTIA). Consequently, the petitions were referred to NTIA for comment. NTIA responded by proposing a plan for relaxation of the limit for FDS harmonic emissions in the restricted bands above 17.7 GHz. Specifically, NTIA proposes that the limit on harmonic emissions from FDSs designated for use only inside buildings be relaxed to 25 mV/m measured at 3 meters. This is equivalent to the limit in the previous rules. NTIA also proposes that the harmonic emission limit in these bands for FDS devices designated for use outside buildings be relaxed to 7.5 mV/m measured at 3 meters. Finally, NTIA proposes that FDSs used on mobile vehicles not be permitted to operate in a continuous mode.

4. The Commission concludes that the changes proposed by NTIA are generally reasonable. These changes would continue to allow FDS operation at 10.525 GHz in an economically-achievable manner, while maintaining a low likelihood of harmful interference. The emissions from 10.525 GHz FDSs

used indoors are greatly attenuated by materials in the walls and ceilings of buildings. This attenuation makes it reasonable to allow higher harmonic emission levels indoors. Therefore, the Commission is relaxing the harmonic emission limit for FDSs designed for use only inside buildings to 25 mV/m measured at 3 meters. This is essentially the same limit as that specified in the previous harmonic limit for FDSs.

5. There also are several aspects of outdoor FDS operations that reduce the likelihood they will cause interference to restricted band users. FDS signals are generally highly directional. Thus, it is unlikely that an FDS signal would be pointed directly at authorized communications systems. Moreover, many FDS systems operating outdoors are at fixed locations. If interference occurs from a fixed FDS, the source can be traced easily and the interference remedied by realigning the FDS system. The government or other restricted band user can also require the emissions from FDSs installed on their property to be attenuated more than that which is needed for FDSs used by the public. Therefore, the Commission concludes that the 7.5 mV/m measured at 3 meters outdoor limit proposed by NTIA would provide adequate protection for restricted band users and, accordingly, the Commission is adopting this as the new standard.

6. The Commission agrees with NTIA that FDSs used in mobile vehicles, such as automobiles and trucks, represent the greatest potential source of interference to restricted band users. It is difficult to predict when and where a mobile FDS will operate. However, the Commission also agrees with GM that railroad cars, farm vehicles, and other specialized equipment pose less interference risk than other vehicles. To address GM's concern regarding railroad operations and farm equipment and to make the rules comparable with those elsewhere in this part, the Commission is applying the prohibition on continuous operation only to motor vehicles and aircraft. The term motor vehicle includes only vehicles that operate on highways, such as trucks, automobiles, and buses. FDS devices used on railroad locomotives, railroad cars, and other track equipment and farm equipment will be permitted to operate on a continuous basis. In addition, the prohibition on continuous operation will not apply to vehicles, such as fork lifts, that are used primarily indoors or for very specialized operations. Finally, the Commission is adopting GM's suggestion that the prohibition on continuous operation not apply if the FDS complies with the

restricted band limits contained in §§ 15.205 and 15.209.

7. Based on the comments, the Commission believes that continuous operation is best defined by making the distinction as to whether the FDS transmits on a regular basis whenever the vehicle is in operation or only during periods of limited duration when the vehicle performs certain specific activities. For example, such activities would include operation in reverse gear or signaling a turn. Therefore, operation limited to specific activities of limited duration would be permitted under the rules.

8. The Commission agrees with M/A-COM that the outdoor limit should not be imposed on door openers. These FDSs are not a likely source of interference because they operate over an extremely short distance and are usually aimed towards the ground. They generally are mounted in such a manner that the building provides enough shielding to protect against the weather and also provides attenuation of the FDS signal. In addition, their location can be easily identified and controlled. Accordingly, FDS devices used to open doors will be subject to the indoor emission limit.

#### List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

#### Rule Changes

Title 47 of the Code of Federal Regulations, part 15, is amended as follows:

1. The authority citation for part 15 continues to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.205 is amended by revising paragraphs (b) and (c) and adding a new paragraph (e), to read as follows:

#### § 15.205 Restricted bands of operation.

(b) Except as provided in paragraphs (d) and (e) of this section, the field strength of emissions appearing within these frequency bands shall not exceed the limits shown in § 15.209. At frequencies equal to or less than 1000 MHz, compliance with the limits in § 15.209 shall be demonstrated using measurement instrumentation employing a CISPR quasi-peak detector. Above 1000 MHz, compliance with the emission limits in § 15.209 shall be demonstrated based on the average value of the measured emissions. The provisions in § 15.35 apply to these measurements.



(c) Except as provided in paragraphs (d) and (e) of this section, regardless of the field strength limits specified elsewhere in this subpart, the provisions of this section apply to emissions from any intentional radiator.

(e) Harmonic emissions appearing in the restricted bands above 17.7 GHz from field disturbance sensors operating under the provisions of § 15.245 shall not exceed the limits specified in § 15.245(b).

3. Section 15.245 is amended by revising paragraph (b) to read as follows:

§ 15.245 Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.

(b) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

Fundamental frequency (MHz)	Field strength of fundamental (millivolts/meter)	Field strength of harmonics (millivolts/meter)
902-928.....	500	1.6
2435-2465.....	500	1.6
5785-5815.....	500	1.6
10500-10550.....	2500	25.0
24075-24175.....	2500	25.0

(1) Regardless of the limits shown in the above table, harmonic emissions in the restricted bands below 17.7 GHz, as specified in § 15.205, shall not exceed the field strength limits shown in § 15.209. Harmonic emissions in the restricted bands at and above 17.7 GHz, and below 40 GHz, shall not exceed the following field strength limits:

(i) For field disturbance sensors designed for use only within a building or to open building doors, 25.0 mV/m.

(ii) For all other field disturbance sensors, 7.5 mV/m.

(iii) Field disturbance sensors designed to be used in motor vehicles or aircraft must include features to prevent continuous operation unless their emissions in the restricted bands fully comply with the limits given in § 15.209. Continuous operation of field disturbance sensors designed to be used in farm equipment, vehicles such as fork lifts that are intended primarily for use indoors or for very specialized operations, or railroad locomotives, railroad cars and other equipment which travels on fixed tracks is permitted. A field disturbance sensor will be considered not to be operating in a continuous mode if its operation is limited to specific activities of limited

duration (e.g., putting a vehicle into reverse gear, activating a turn signal, etc.).

(2) Field strength limits are specified at a distance of 3 meters.

(3) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in Section 15.209, whichever is the lesser attenuation.

(4) The emission limits shown above are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-26333 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-481; RM-6918]

#### Radio Broadcasting Services; Morehead City, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Curtis Radio Group, Inc., substitutes Channel 242C1 for Channel 242C2 at Morehead City, North Carolina, and modifies its license for Station WRHT(FM) to specify operation on the higher powered channel. See 54 FR 47797, November 17, 1989. Channel 242C1 can be allotted to Morehead City in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242C1 at Morehead City are North Latitude 34-43-18 and West Longitude 76-42-54. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 17, 1990.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-481, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International

Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio Broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under North Carolina, is amended by removing Channel 242C2 and adding Channel 242C1 at Morehead City.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26334 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-574; RM-7068]

#### Radio Broadcasting Services; Wanchese, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of WOBR, Inc., substitutes Channel 237C3 for Channel 237A at Wanchese, North Carolina, and modifies its license for Station WOBR-FM to specify operation on the higher powered channel. See 55 FR 325, January 4, 1990. Channel 237C3 can be allotted to Wanchese in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.6 kilometers (4.1 miles) northeast to avoid a shortspacing to Station WRNS-FM, Channel 236C, Kinston, North Carolina, and to accommodate petitioner's desired transmitter site. The coordinates for Channel 237C3 at Wanchese are North Latitude 35-53-20 and West Longitude 75-35-20. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 17, 1990.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-574, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC



Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 237A and adding Channel 237C3 at Wanchese.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 90-26249 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-593; RM-7069]

#### Radio Broadcasting Services; Piketon, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Ohio Kentucky Radio Company, allots Channel 261A to Piketon, Ohio, as the community's first local FM service. See 55 FR 883, January 10, 1990. Channel 261A can be allotted to Piketon in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 261A at Piketon are North Latitude 39-04-00 and West Longitude 83-00-42. Canadian concurrence in the allotment has been received. With this action, this proceeding is terminated.

**DATES:** Effective December 17, 1990. The window period for filing applications will open on December 18, 1990, and close on January 17, 1991.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-593,

adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Channel 261A at Piketon.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 90-26248 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-464; RM-6859]

#### Radio Broadcasting Services; Lynchburg, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document substitutes FM Channel 269C3 for Channel 269A at Lynchburg, Virginia, and modifies the license for Station WXYU(FM) to specify operation on Channel 269C3 in response to a petition filed by CRS Communications, Inc. See 54 FR 46275, November 2, 1989. The coordinates for Channel 269C3 are 37-25-37 and 78-55-00.

**EFFECTIVE DATE:** December 17, 1990.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-464, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M

Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 269A and adding Channel 269C3 at Lynchburg.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division,  
Mass Media Bureau.

[FR Doc. 90-26250 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 89-482; RM-6920]

#### Radio Broadcasting Services; Newport, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Jonathan Seagull Broadcasting Company, allots Channel 224C3 to Newport, Oregon, as the community's second local FM service. See 54 FR 47798, November 17, 1989. Channel 224C3 can be allotted to Newport in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 224C3 are North Latitude 44-38-30 and West Longitude 124-03-00. With this action, this proceeding is terminated.

**DATES:** Effective December 17, 1990. The window period for filing applications will open on December 18, 1990, and close on January 17, 1991.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 89-482, adopted September 28, 1990, and released November 2, 1990. The full text